

Ordinance No. 122682

Council Bill No. 116189

AN ORDINANCE relating to drainage services of Seattle Public Utilities; establishing a stormwater facility credit to reduce drainage service charges for parcels with approved stormwater management facilities; updating definitions, revising the performance requirements for rainwater harvesting systems qualifying for drainage service charge reductions, revising the basis for bill adjustment requests and revising the right of entry for inspection in connection with the credit program; and amending Chapter 21.33 of the Seattle Municipal Code.

CF No. _____

| | | | |
|------------------------------|----------------|--|--|
| Date Introduced: | <u>4.14.08</u> | | |
| Date 1st Referred: | <u>4.14.08</u> | To: | Environment, Emergency Mgmt & Utilities (EEMU) |
| Date Re - Referred: | | To: (committee) | |
| Date Re - Referred: | | To: (committee) | |
| Date of Final Passage: | <u>4-28-08</u> | Full Council Vote: | <u>9-0</u> |
| Date Presented to Mayor: | <u>4-29-08</u> | Date Approved: | <u>5.5.08</u> |
| Date Returned to City Clerk: | <u>5.8.08</u> | Date Published: | <u>13</u> |
| | | T.O. <input checked="" type="checkbox"/> | F.T. <input type="checkbox"/> |
| Date Vetoed by Mayor: | | Date Veto Published: | |
| Date Passed Over Veto: | | Veto Sustained: | |

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Richard Conlin

Councilmember

Committee Action:

4/22/08 substitute to version 66 passed yes-3-0 Conlin, Burges, McIver
4/28/08 passed 3-0 yes Conlin, Burges, McIver

4-28-08 Passed 9-0

This file is complete and ready for presentation to Full Council.

Committee: _____

RC 4/22/08
(initial/date)

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

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ORDINANCE 122682

AN ORDINANCE relating to drainage services of Seattle Public Utilities; establishing a stormwater facility credit to reduce drainage service charges for parcels with approved stormwater management facilities; updating definitions, revising the performance requirements for rainwater harvesting systems qualifying for drainage service charge reductions, revising the basis for bill adjustment requests and revising the right of entry for inspection in connection with the credit program; and amending Chapter 21.33 of the Seattle Municipal Code.

WHEREAS, Resolution 30886, adopted by the City Council and approved by the Mayor in March 2007, directed Seattle Public Utilities ("SPU") to implement a drainage rate credit program to be effective beginning in 2009, and to establish a process for customers to submit applications for the rate credits beginning in 2008; and

WHEREAS, SPU has determined that installation of approved stormwater management facilities on parcels throughout the city can help relieve some of the burden on the City's stormwater system by reducing or controlling flow or improving the water quality of stormwater entering into the City's stormwater system; and

WHEREAS, SPU recommends recognizing the contribution that approved stormwater management facilities have on the City's stormwater system by establishing stormwater facility credits, that will reduce the drainage service charge on parcels that have installed such facilities; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 21.33.010 of the Seattle Municipal Code is amended as follows:

SMC 21.33.010

Definitions.

For purposes of this chapter, the words or phrases below shall have the following meanings:

A. "Approved stormwater management facility" means a drainage control facility or improvement installed and properly maintained on any parcel in the City subject to a drainage

1 service charge that reduces or controls flow or improves water quality, or both, of stormwater
2 flowing from all or part of the impervious surfaces on the parcel to the City's stormwater
3 system, and which meets the technical design requirements for the drainage discharge point
4 applicable to the parcel as more particularly described in the Stormwater, Grading and
5 Drainage Code (Seattle Municipal Code 22.802) and SPU Director's Rules 03-00 and 04-00, as
6 may be amended from time to time.

7 ~~((K-))~~B. "Billable area" means the total parcel area less any portion of the parcel which is
8 exempt from drainage service charges pursuant to Subsection 21.33.030A of the Seattle
9 Municipal Code.

10 ~~((A-))~~C. "Billing year" means the calendar year that bills are sent. The first billing year shall be
11 from January 1, 1989 through December 31, 1989.

12
13 ~~((B-))~~D. "City" means The City of Seattle.

14
15 ~~((C-))~~E. "Condominiums" or "townhouses" means properties which contain more than two (2)
16 residential dwelling units which are individually owned and are billed separately for property
17 taxes.

18
19 F. "Drainage discharge point" means the end or receiving point of the City's stormwater
20 system that a parcel's stormwater flows to, which may include a combined or sanitary sewer
21 treatment facility, a large body of surface water, or a major creek basin, which dictates the type
22 of stormwater performance goals and management facilities that may be required or accepted
23 to manage the flow or quality, or both, of stormwater from that parcel.

24 ~~((D-))~~G. "Drainage service charge" means the fee for surface and stormwater management
25 services imposed by the City upon all parcels of real property, except exempted properties,
26
27
28

1 located within the boundaries of the City. The drainage service charge shall be calculated in
2 accordance with Section 33.030 of this Chapter.

3 ~~((E.))~~H. "Drainage rate" means the dollar charge assigned to each rate category which shall be
4 used in the calculation of the drainage service charge.

5
6
7 I. "General service properties or parcels" means properties or parcels with no existing single
8 family or duplex dwelling unit, including vacant properties, condominium complexes,
9 townhouses, apartment buildings, and institutional, commercial or industrial properties.

10 ~~((H.))~~J. "Highly infiltrative pervious surface" means vegetated surface of specific types such as
11 forests or non-forested land that is in the natural progression back to a forested state.

12
13 ~~((F.))~~K. "Houseboats and piers" means property or parcels that rest on or over natural bodies of
14 water.

15
16 ~~((G.))~~L. "Impervious surface" or "impervious ground cover" means those hard areas which
17 prevent or retard the entry of water into the soil in the manner that such water entered the soil
18 under natural conditions pre-existent to development, or which cause water to run off the
19 surface in greater quantities or at an increased rate of flow than that present under natural
20 conditions pre-existent to development, including, but not limited to, such surfaces as rooftops,
21 asphalt or concrete paving, driveways, parking lots, walkways, patio areas, storage areas,
22 hardpan, compacted surfaces, or other surfaces which similarly affect the natural infiltration or
23 runoff patterns existing prior to development.

24 ~~((Q.))~~M. "Large residential property or parcel" means any single family residential property
25 whose ~~((total))~~ billable area is 10,000 square feet or greater.



1 ((J))N. "Parcel" means the smallest separately segregated unit or plot of land having an
2 identified owner(s), boundaries, and area as defined by the King County Assessor and recorded
3 in the King County Assessor Real Property File or in the King County Assessor maps.
4

5 ((L))O. "Percent of impervious surface" means the quotient of the total amount of estimated
6 impervious surface located on the parcel divided by the parcel's total billable area. For
7 purposes of rate category determination, the resulting amount shall be rounded to the nearest
8 whole percent.
9

10 ((M))P. "Property owner of record" shall be the person or persons recorded by the King
11 County Assessor to be the owner(s) of property and to whom property tax statements are
12 directed.

13 ((N))Q. "Rate category" means the classification of properties into groups based on their
14 common characteristics (such as percentage of impervious surface), for purposes of
15 establishing drainage service charges.
16

17 ((O))R. "Residence" means a building or structure or portion thereof, designed to be used as a
18 place of abode for human beings and not used for any other purpose. The term "residence"
19 includes the term "residential," "residential unit," and "dwelling unit" as referring to the type of
20 or intended use of a building or structure.

21 ((P))S. "Single-family residential property or parcel" means any property or parcel which
22 contains one (1) or two (2) residential dwelling units, excluding townhouses which are
23 considered general service properties or parcels.
24

25 ((R))T. "Small residential property or parcel" means any single family residential property
26 whose ((total)) billable area is less than 10,000 square feet.
27
28

1
2 U. "Stormwater facility credit" means a percentage credit, up to the allowable maximum, in
3 accordance with Section 33.040 of this Chapter, which reduces the drainage service charge for
4 a particular parcel because one or more approved stormwater management facilities are
5 installed and maintained on the parcel that relieve some of the burden on the City's stormwater
6 system.

7
8 V. "Stormwater performance goals" mean the standards for 1) water quality as shown by total
9 suspended solids; 2) total volume; 3) two-year peak volume and duration; and 4) twenty-five-
10 year peak volume as appropriate for the drainage discharge point as more particularly
11 described in the Stormwater, Grading and Drainage Code (Seattle Municipal Code 22.802).

12
13 ~~((T.))~~ W. "Stormwater ((S))system" means the entire system of flood protection and stormwater
14 drainage and surface water runoff facilities owned or leased by the City or over which the City
15 has right of use for the movement and control of storm drainage and surface water runoff,
16 including both naturally occurring and man-made facilities.

17
18 ~~((S.))~~ X. "Submerged" means that portion of a parcel that extends beyond the shoreline, as
19 delineated by the City's Geographic Information System (GIS).

20
21 ~~((U.))~~ Y. "Utility" means Seattle Public Utilities.

22
23 Section 2. Subsection D of 21.33.030 of the Seattle Municipal Code is amended as
24 follows:

25
26 **SMC 21.33.030**



Drainage service charges and drainage rates – Schedule – Exemptions

* * * * *

4. SPU shall provide a 10% reduction in the drainage service charge ((rates)) for parcels ~~((properties))~~ containing new or remodeled commercial buildings that, after July 27, 2003, install and utilize rainwater harvesting systems that meet the performance requirement that the systems are sized to use ~~((or infiltrate))~~ the amount of rain that falls on the roofs of such buildings during a one year, 24-hour storm event. A system that involves indoor uses of rainwater must be permitted by Seattle-King County Department of Health to qualify for the rate reduction. A system that relies solely on the capture and indoor use of rainwater shall qualify for the drainage service charge ((rate)) reduction only if the system is sized to meet the performance requirement stated above. Qualifying for the drainage service charge ((rate)) reduction does not relieve the property owner from the obligation to comply with applicable stormwater and drainage code requirements for the buildings and site.

* * * * *

Section 3. A new Section is added to Chapter 21.33 of the Seattle Municipal Code to read as follows:

SMC 21.33.040

Stormwater Facility Credit Program.

A. The Utility may apply a stormwater facility credit to be effective beginning January 1 of the 2009 billing year, in accordance with this section, to reduce the annual drainage service charge for a particular parcel within the City if one or more approved stormwater management facilities are installed on the parcel.

1
2 B. Property owners must complete a stormwater facility credit application and submit it to the
3 Utility by November 1st of any calendar year for credit against the subsequent year's drainage
4 service charge. The stormwater facility credit will not be applied until the Utility has approved
5 the application in writing.

6
7 C. Prior to approving a stormwater facility credit, and annually thereafter, the Utility shall have
8 the right to inspect the approved stormwater management facility(ies) and parcel to confirm
9 application information and continued eligibility for the credit. Inspection may include
10 confirmation of parcel characteristics, such as impervious surface area, and determination that
11 the facility meets the technical design requirements and is maintained in a clean and properly
12 functioning manner.

13
14 D. The Utility will calculate a stormwater facility credit for each eligible parcel that has applied
15 for such credit based on the following:

16
17 1. the type and size of the approved stormwater management facility(ies) installed on the parcel.
18 The Utility will assign a uniform rate credit to each type of approved stormwater management
19 facility based on a weighting of the stormwater performance goals the facility satisfies and that
20 are applicable to the appropriate drainage discharge point for the parcel,

21
22 2. the percentage of impervious surface on the parcel that is managed by the approved
23 stormwater management facility(ies), and

1 3. the percentage of the parcel's drainage service charge which is based on runoff from
2 impervious surfaces, as determined using flow calculation data for the applicable drainage
3 service charge rate category.

4
5 E. To assign the uniform rate credit by facility type under Section 21.33.040.D.1 and calculate
6 the stormwater facility credit only, the Utility will use the stormwater performance goals under
7 the Stormwater, Grading and Drainage Code adopted by Ordinance No. 119965, effective July
8 5, 2000, for any approved stormwater management facility installed prior to July 5, 2000. The
9 Utility will use the stormwater performance goals under the Stormwater, Grading and Drainage
10 Code in effect at the time the approved stormwater management facility is installed for any
11 such facility installed after July 5, 2000.

12
13 F. The allowable maximum credit to the drainage service charge per parcel, including the
14 stormwater facility credit and the reduction for rainwater harvesting systems under Section
15 21.33.030.D.4, may not exceed 50 percent of the drainage service charge for the parcel. The
16 stormwater facility credit and reduction for rainwater harvesting systems may not reduce the
17 drainage service charge per parcel below the minimum drainage service charge under Section
18 21.33.030.E.

19
20 G. The Utility may terminate the stormwater facility credit for any parcel, upon written notice,
21 for the following reasons:

22
23 1. The property owner does not maintain the approved stormwater management facility in a
24 clean and properly functioning manner and does not take corrective action within the time
25 specified by a Utility inspector;

1 2. the parcel changes ownership;

2
3 3. the parcel is re-developed or the parcel boundaries change.

4
5
6 Section 4. Subsection B of 21.33.050 of the Seattle Municipal Code is amended as
7 follows:

8
9 **SMC 21.33.050**

10 **Drainage service charges -- Adjustments.**

11
12 * * * * *

13 B. A request for a bill adjustment may be based on one (1) or more of the following:

14
15 1. The billable area of the parcel is incorrect;

16
17 2. The percent of impervious surface on a large residential or general service parcel places the
18 parcel in a different rate category than the category assigned by the Utility;

19
20 3. The parcel is a large residential or general service parcel which contains highly infiltrative
21 pervious surface and meets all Utility requirements for low-impact rate category designation
22 but has not been properly assigned to such a category by the Utility;

23
24 4. The parcel meets the definition of exempted property;

25
26 5. The parcel is wholly or partially outside City of Seattle limits; or



1
2 6. The parcel's stormwater facility credit was calculated with inaccurate data related to the
3 parcel or to the approved stormwater management facility.

4
5 ~~((6.))~~7. The drainage service charge is otherwise erroneous in applying the
6 terms of this chapter.

7
8 Section 5. Subsection B of 21.33.070 of the Seattle Municipal Code is amended as
9 follows:

10
11 **SMC 21.33.070**

12 **Billing and collection procedures.**

13
14 * * * * *

15 B. The drainage service charge shall be displayed and billed on the annual King County
16 property tax statement for the parcel and shall be mailed to the name and address shown on the
17 real property tax roll at the time annual property bills are prepared. Properties not subject to
18 property taxes and not otherwise exempted will receive a separate drainage service charge
19 billing statement. The drainage service charge billed on the annual King County property tax
20 statement, or separate drainage service charge billing statement, shall be net of any stormwater
21 facility credit, that has been approved by December 1st of the calendar year prior to the
22 applicable billing year. Stormwater facility credit applications that are received timely in
23 accordance with Section 21.33.040.B, but not approved until after December 1, will receive
24 credit within the applicable billing year.

* * * * *

Section 6. Section 21.33.090 of the Seattle Municipal Code is amended as follows:

SMC 21.33.090

Revenue disposition and expenditure conditions.

All moneys obtained pursuant to this chapter shall be credited and deposited in the Drainage and Wastewater Fund. Moneys deposited in the Drainage and Wastewater Fund from drainage service charges shall be expended for administering, operating, maintaining, or improving the ~~((drainage and wastewater))~~ stormwater system, including all or any part of the cost of planning, designing, acquiring, constructing, repairing, replacing, improving, regulating, educating the public, or operating present or future ~~((drainage and wastewater))~~ stormwater management facilities owned by the Utility, or to pay or secure the payment of all or any portion of any debt issued for such purpose and the related reserve and coverage requirements. Moneys shall not be transferred to any other funds of the City except to pay for expenses attributable to the stormwater system.

Section 7. Subsection A of 21.33.120 of the Seattle Municipal Code is amended as follows:

SMC 21.33.120

Right of entry for inspection.

A. The Director of Seattle Public Utilities or his or her duly authorized representatives, bearing proper credentials and identification, may with the consent of the owner or pursuant to lawfully issued warrant enter at all reasonable times upon any and all premises which generate surface



1 or stormwater run-off for the purpose of ascertaining the area and type of such surfaces as
2 required to determine the appropriate assignment of such property to a drainage rate category,
3 calculation of a stormwater facility credit or verification of the installation and proper
4 maintenance of an approved stormwater management facility.


5
6 Section 8. The Utility shall evaluate the effect of the stormwater facility credit program
7 on revenue requirements and on cost allocations across customer classes during the first five
8 years of its operation and may propose changes to the program beginning with the 2014 billing
9 cycle, including revision of the allowable maximum credit or termination of the program.

10 Section 9. The provisions of this ordinance are declared to be separate and severable. If
11 a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having
12 run, finds any provision of this ordinance to be invalid or unenforceable as to any person or
13 circumstance, such offending provision or provisions, if feasible, shall be deemed to be modified
14 to be within the limits of enforceability or validity. However, if the offending provision cannot
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1 be so modified, it shall be null and void with respect to the particular person or circumstance,
2 and the offending provision with respect to all other persons and all other circumstances, as well
3 as all other provisions of this ordinance in all other respects, shall remain valid and enforceable.

4 Section 10. This ordinance shall take effect and be in force thirty (30) days from and
5 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
6 days after presentation, it shall take effect as provided by Seattle Municipal Code Section
7 1.04.020.

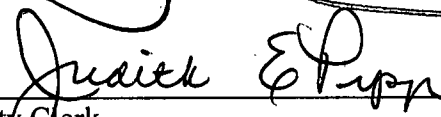
8
9 Passed by the City Council the 28th day of April, 2008, and signed by me in
10 open session in authentication of its passage this 28th day of April, 2008.

11
12
13 
14 President _____ of the City Council

15 Approved by me this 5th day of May, 2008.

16
17 
18 Gregory J. Nickels, Mayor

19 Filed by me this 8th day of May, 2008.

20
21 
22 City Clerk

23 (Seal)
24
25
26
27
28

2nd Nov

John

FISCAL NOTE FOR NON-CAPITAL PROJECTS

| Department: | Contact Person/Phone: | DOF Analyst/Phone: |
|--------------------------|------------------------------|---------------------------|
| Seattle Public Utilities | Julia Veghte 684-7779 | John McCoy 615-0768 |

Legislation Title:

AN ORDINANCE relating to drainage services of Seattle Public Utilities; establishing a stormwater facility credit to reduce drainage service charges for parcels with approved stormwater management facilities; updating definitions; revising the performance requirements for rainwater harvesting systems qualifying for drainage service charge reductions, revising the basis for bill adjustment requests and revising the right of entry for inspection in connection with the credit program; and amending Chapter 21.33 of the Seattle Municipal Code.

• Summary of the Legislation:

This ordinance adopts a Stormwater Facility Credit program that reduces the drainage service charge on parcels within the City of Seattle that have installed approved stormwater management facilities such as detention vaults, green roofs, and bioswales. The credit reflects the fact that these facilities reduce burdens on the City's stormwater system by reducing the flow or improving the water quality of stormwater entering it.

• Background: (Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

Stormwater facility credits are the final piece of the drainage rate re-design called for in Resolution 30886, signed by the Council and Mayor in 2007. An updated drainage rate design was enacted with the 2008 drainage rates. The resolution called for a program that would provide credit to drainage customers who have installed stormwater facilities and directed SPU to establish a process for customers to submit applications beginning in 2008. The credits will be applied against 2009 drainage service charges.

• Please check one of the following:

☐ **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

☒ **This legislation has financial implications.** (Please complete all relevant sections that follow.)

Appropriations: This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation, please provide details in the Notes section below.

| Fund Name and Number | Department | Budget Control Level* | 2008 Appropriation | 2009 Anticipated Appropriation |
|-----------------------------|-------------------|------------------------------|---------------------------|---------------------------------------|
| | | | | |
| TOTAL | | | | |

**See budget book to obtain the appropriate Budget Control Level for your department.*

Notes: SPU's 2008 adopted budget includes an appropriation of \$220,000 for the development and administration of the stormwater facility credit program. Any additional appropriations will be evaluated during future budget processes.

Anticipated Revenue/Reimbursement: Resulting From This Legislation: *This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.*

| Fund Name and Number | Department | Revenue Source | 2008 Revenue | 2009 Revenue |
|------------------------------------|--------------------------|---------------------------|--------------|--------------|
| Drainage and Wastewater Fund 44010 | Seattle Public Utilities | Drainage Utility Services | \$0 | (\$200,000) |
| TOTAL | | | | |

Notes: The credits will be effective in 2009. A \$200,000 reduction in drainage rate revenue due to the credit program was assumed in the 2008-2009 adopted drainage rates, although that estimate is highly uncertain and will depend fundamentally on the take-up rate among applicants.

Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact: *This table should only reflect the actual number of positions affected by this legislation. In the event that positions have been, or will be, created as a result of other legislation, please provide details in the Notes section below the table.*

| Position Title and Department | Position # for Existing Positions | Fund Name & # | PT/FT | 2008 Positions | 2008 FTE | 2009 Positions* | 2009 FTE* |
|-------------------------------|-----------------------------------|---------------|-------|----------------|----------|-----------------|-----------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTAL | | | | | | | |

** 2009 positions and FTE are total 2009 position changes resulting from this legislation, not incremental changes. Therefore, under 2009, please be sure to include any continuing positions from 2008.*

Notes: A Senior Civil Engineer was hired in 2007 to manage the Stormwater Facility Credit Program and provide technical assistance for low-impact development to SPU customers. An existing inspector will perform the parcel inspections for this program. Any additional staffing needs for this program will be requested via the regular budget and rate-setting process.

- **Do positions sunset in the future?** *(If yes, identify sunset date):*

Spending/Cash Flow: *This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.*

| Fund Name & # | Department | Budget Control Level* | 2008 Expenditures | 2009 Anticipated Expenditures |
|---------------|------------|-----------------------|-------------------|-------------------------------|
| | | | | |
| TOTAL | | | | |

* See budget book to obtain the appropriate Budget Control Level for your department.

Notes Not applicable to this legislation.

- **What is the financial cost of not implementing the legislation?** *(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented.)*

There are no direct financial costs associated with not implementing the legislation.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** *(Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)*

Other rate credit designs could potentially also enhance ratepayer equity.

- **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)*

No.

- **Other Issues** *(including long-term implications of the legislation):*

None.

Please list attachments to the fiscal note below:



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

March 25, 2008

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that would implement a new Stormwater Facility Credit Program, to be administered by Seattle Public Utilities (SPU). These facility credits are the final piece of the drainage rate re-design called for in Resolution 30886, which we approved last year.

The new credit program will encourage property owners to install stormwater management facilities, such as detention vaults, green roofs, and bioswales on their properties. It will also improve ratepayer equity by recognizing how these actions reduce impacts, and thus costs, on the City's stormwater management system. While some of these facilities are required by our stormwater code, the credit program recognizes and rewards voluntary efforts that exceed code requirements. SPU has designed a simple application process that will encourage participation in the program by minimizing the applicant's administrative burden. The Utility is prepared to accept applications as soon as this legislation is adopted, with the first credits to be applied against 2009 drainage bills. As Program costs were assumed in SPU's 2008 Adopted Budget, no additional appropriations are called for in this legislation.

The Stormwater Facility Credit Program is a critical component of the new drainage rate design and will ensure that drainage bills more accurately reflect each customer's individual contribution to drainage system costs. Thank you for your consideration of this legislation. Should you have questions, please contact Julia Veghte at 684-7779.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Nickels', with a long, flowing underline.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

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18
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21 treatment facility, a large body of surface water, or a major creek basin, which dictates the type
22 of stormwater performance goals and management facilities that may be required or accepted
23 to manage the flow or quality, or both, of stormwater from that parcel.

24 ~~((D-))~~G. "Drainage service charge" means the fee for surface and stormwater management
25 services imposed by the City upon all parcels of real property, except exempted properties,
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1 located within the boundaries of the City. The drainage service charge shall be calculated in
2 accordance with Section 33.030 of this Chapter.

3 ~~((E.))~~H. "Drainage rate" means the dollar charge assigned to each rate category which shall be
4 used in the calculation of the drainage service charge.

5
6
7 I. "General service properties or parcels" means properties or parcels with no existing single
8 family or duplex dwelling unit, including vacant properties, condominium complexes,
9 townhouses, apartment buildings, and institutional, commercial or industrial properties.

10 ~~((H.))~~J. "Highly infiltrative pervious surface" means vegetated surface of specific types such as
11 forests or non-forested land that is in the natural progression back to a forested state.

12
13 ~~((F.))~~K. "Houseboats and piers" means property or parcels that rest on or over natural bodies of
14 water.

15
16 ~~((G.))~~L. "Impervious surface" or "impervious ground cover" means those hard areas which
17 prevent or retard the entry of water into the soil in the manner that such water entered the soil
18 under natural conditions pre-existent to development, or which cause water to run off the
19 surface in greater quantities or at an increased rate of flow than that present under natural
20 conditions pre-existent to development, including, but not limited to, such surfaces as rooftops,
21 asphalt or concrete paving, driveways, parking lots, walkways, patio areas, storage areas,
22 hardpan, compacted surfaces, or other surfaces which similarly affect the natural infiltration or
23 runoff patterns existing prior to development.

24 ~~((Q.))~~M. "Large residential property or parcel" means any single family residential property
25 whose ~~((total))~~ billable area is 10,000 square feet or greater.

1 ((J-))N. "Parcel" means the smallest separately segregated unit or plot of land having an
2 identified owner(s), boundaries, and area as defined by the King County Assessor and recorded
3 in the King County Assessor Real Property File or in the King County Assessor maps.

4
5 ((L-))O. "Percent of impervious surface" means the quotient of the total amount of estimated
6 impervious surface located on the parcel divided by the parcel's total billable area. For
7 purposes of rate category determination, the resulting amount shall be rounded to the nearest
8 whole percent.

9
10 ((M-))P. "Property owner of record" shall be the person or persons recorded by the King
11 County Assessor to be the owner(s) of property and to whom property tax statements are
12 directed.

13 ((N-))Q. "Rate category" means the classification of properties into groups based on their
14 common characteristics (such as percentage of impervious surface), for purposes of
15 establishing drainage service charges.

16
17 ((O-))R. "Residence" means a building or structure or portion thereof, designed to be used as a
18 place of abode for human beings and not used for any other purpose. The term "residence"
19 includes the term "residential," "residential unit," and "dwelling unit" as referring to the type of
20 or intended use of a building or structure.

21 ((P-))S. "Single-family residential property or parcel" means any property or parcel which
22 contains one (1) or two (2) residential dwelling units, excluding townhouses which are
23 considered general service properties or parcels.

24
25 ((R-))T. "Small residential property or parcel" means any single family residential property
26 whose ((total)) billable area is less than 10,000 square feet.

1
2 U. "Stormwater facility credit" means a percentage credit, up to the allowable maximum, in
3 accordance with Section 33.040 of this Chapter, which reduces the drainage service charge for
4 a particular parcel because one or more approved stormwater management facilities are
5 installed and maintained on the parcel that relieve some of the burden on the City's stormwater
6 system.

7
8 V. "Stormwater performance goals" mean the standards for 1) water quality as shown by total
9 suspended solids; 2) total volume; 3) two-year peak volume and duration; and 4) twenty-five-
10 year peak volume as appropriate for the drainage discharge point as more particularly
11 described in the Stormwater, Grading and Drainage Code (Seattle Municipal Code 22.802).

12
13 ~~((T.))~~ W. "Stormwater ((S))system" means the entire system of flood protection and stormwater
14 drainage and surface water runoff facilities owned or leased by the City or over which the City
15 has right of use for the movement and control of storm drainage and surface water runoff,
16 including both naturally occurring and man-made facilities.

17
18 ~~((S.))~~ X. "Submerged" means that portion of a parcel that extends beyond the shoreline, as
19 delineated by the City's Geographic Information System (GIS).

20
21 ~~((U.))~~ Y. "Utility" means Seattle Public Utilities.

22
23 Section 2. Subsection D of 21.33.030 of the Seattle Municipal Code is amended as
24 follows:

25
26 **SMC 21.33.030**

Drainage service charges and drainage rates – Schedule – Exemptions

* * * * *

4. SPU shall provide a 10% reduction in the drainage service charge ((rates)) for parcels ((properties)) containing new or remodeled commercial buildings that, after July 27, 2003, install and utilize rainwater harvesting systems that meet the performance requirement that the systems are sized to use ~~((or infiltrate))~~ the amount of rain that falls on the roofs of such buildings during a one year, 24-hour storm event. A system that involves indoor uses of rainwater must be permitted by Seattle-King County Department of Health to qualify for the rate reduction. A system that relies solely on the capture and indoor use of rainwater shall qualify for the drainage service charge ((rate)) reduction only if the system is sized to meet the performance requirement stated above. Qualifying for the drainage service charge ((rate)) reduction does not relieve the property owner from the obligation to comply with applicable stormwater and drainage code requirements for the buildings and site.

* * * * *

Section 3. A new Section is added to Chapter 21.33 of the Seattle Municipal Code to read as follows:

21.33.40

Stormwater Facility Credit Program.

A. The Utility may apply a stormwater facility credit to be effective beginning January 1 of the 2009 billing year, in accordance with this section, to reduce the annual drainage service charge for a particular parcel within the City if one or more approved stormwater management facilities are installed on the parcel.

1
2 B. Property owners must complete a stormwater facility credit application and submit it to the
3 Utility by November 1st of any calendar year for credit against the subsequent year's drainage
4 service charge. The stormwater facility credit will not be applied until the Utility has approved
5 the application in writing.

6
7 C. Prior to approving a stormwater facility credit, and annually thereafter, the Utility shall have
8 the right to inspect the approved stormwater management facility(ies) and parcel to confirm
9 application information and continued eligibility for the credit. Inspection may include
10 confirmation of parcel characteristics, such as impervious surface area, and determination that
11 the facility meets the technical design requirements and is maintained in a clean and properly
12 functioning manner.

13
14 D. The Utility will calculate a stormwater facility credit for each eligible parcel that has applied
15 for such credit based on the following:

16
17 1. the type and size of the approved stormwater management facility(ies) installed on the parcel.
18 The Utility will assign a uniform rate credit to each type of approved stormwater management
19 facility based on a weighting of the stormwater performance goals the facility satisfies and that
20 are applicable to the appropriate drainage discharge point for the parcel.

21
22 2. the percentage of impervious surface on the parcel that is managed by the approved
23 stormwater management facility(ies), and

1 3. the percentage of the parcel's drainage service charge which is based on runoff from
2 impervious surfaces, as determined using flow calculation data for the applicable drainage
3 service charge rate category.

4
5 E. To assign the uniform rate credit by facility type under Section 21.33.040.D.1 and calculate
6 the stormwater facility credit only, the Utility will use the stormwater performance goals under
7 the Stormwater, Grading and Drainage Code adopted by Ordinance No. 119965, effective July
8 5, 2000, for any approved stormwater management facility installed prior to July 5, 2000. The
9 Utility will use the stormwater performance goals under the Stormwater, Grading and Drainage
10 Code in effect at the time the approved stormwater management facility is installed for any
11 such facility installed after July 5, 2000.

12
13 F. The allowable maximum credit to the drainage service charge per parcel, including the
14 stormwater facility credit and the reduction for rainwater harvesting systems under Section
15 21.33.030.D.4, may not exceed 50 per cent of the drainage service charge for the parcel. The
16 stormwater facility credit and reduction for rainwater harvesting systems may not reduce the
17 drainage service charge per parcel below the minimum drainage service charge under Section
18 21.33.030.E.

19
20 G. The Utility may terminate the stormwater facility credit for any parcel, upon written notice,
21 for the following reasons:

22
23 1. The property owner does not maintain the approved stormwater management facility in a
24 clean and properly functioning manner and does not take corrective action within the time
25 specified by a Utility inspector;

1 2. the parcel changes ownership;

3 3. the parcel is re-developed or the parcel boundaries change.

6 Section 4. Subsection B of 21.33.050 of the Seattle Municipal Code is amended as
7 follows:

9 **SMC 21.33.050**

10 **Drainage service charges -- Adjustments.**

12 * * * * *

13 B. A request for a bill adjustment may be based on one (1) or more of the following:

- 15 1. The billable area of the parcel is incorrect;
- 17 2. The percent of impervious surface on a large residential or general service parcel places the
18 parcel in a different rate category than the category assigned by the Utility;
- 20 3. The parcel is a large residential or general service parcel which contains highly infiltrative
21 pervious surface and meets all Utility requirements for low-impact rate category designation
22 but has not been properly assigned to such a category by the Utility;
- 24 4. The parcel meets the definition of exempted property;
- 26 5. The parcel is wholly or partially outside City of Seattle limits; or

6. The parcel's stormwater facility credit was calculated with inaccurate data related to the parcel or to the approved stormwater management facility.

~~((6.))~~ 7. The drainage service charge is otherwise erroneous in applying the terms of this chapter.

Section 5. Subsection B of 21.33.070 of the Seattle Municipal Code is amended as follows:

SMC 21.33.070

Billing and collection procedures.

* * * * *

B. The drainage service charge shall be displayed and billed on the annual King County property tax statement for the parcel and shall be mailed to the name and address shown on the real property tax roll at the time annual property bills are prepared. Properties not subject to property taxes and not otherwise exempted will receive a separate drainage service charge billing statement. The drainage service charge billed on the annual King County property tax statement, or separate drainage service charge billing statement, shall be net of any stormwater facility credit, that has been approved by December 1st of the calendar year prior to the applicable billing year. Stormwater facility credit applications that are received timely in accordance with Section 21.33.040.B, but not approved until after December 1, will receive credit within the applicable billing year.

* * * * *

Section 6. Section 21.33.090 of the Seattle Municipal Code is amended as follows:

SMC 21.33.090

Revenue disposition and expenditure conditions.

All moneys obtained pursuant to this chapter shall be credited and deposited in the Drainage and Wastewater Fund. Moneys deposited in the Drainage and Wastewater Fund from drainage service charges shall be expended for administering, operating, maintaining, or improving the ~~((drainage and wastewater))~~ stormwater system, including all or any part of the cost of planning, designing, acquiring, constructing, repairing, replacing, improving, regulating, educating the public, or operating present or future ~~((drainage and wastewater))~~ stormwater management facilities owned by the Utility, or to pay or secure the payment of all or any portion of any debt issued for such purpose and the related reserve and coverage requirements. Moneys shall not be transferred to any other funds of the City except to pay for expenses attributable to the stormwater system.

Section 7. Subsection A of 21.33.120 of the Seattle Municipal Code is amended as follows:

SMC 21.33.0120

Right of entry for inspection.

A. The Director of Seattle Public Utilities or his or her duly authorized representatives, bearing proper credentials and identification, may with the consent of the owner or pursuant to lawfully issued warrant enter at all reasonable times upon any and all premises which generate surface

1 or stormwater run-off for the purpose of ascertaining the area and type of such surfaces as
2 required to determine the appropriate assignment of such property to a drainage rate category,
3 calculation of a stormwater facility credit or verification of the installation and proper
4 maintenance of an approved stormwater management facility.

5
6 Section 8. The Utility shall evaluate the effect of the stormwater facility credit program
7 on revenue requirements and on cost allocations across customer classes during the first five
8 years of its operation and may propose changes to the program beginning with the 2014 billing
9 cycle, including revision of the allowable maximum credit or termination of the program.

10 Section 9. The provisions of this ordinance are declared to be separate and severable. If
11 a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having
12 run, finds any provision of this ordinance to be invalid or unenforceable as to any person or
13 circumstance, such offending provision or provisions, if feasible, shall be deemed to be modified
14 to be within the limits of enforceability or validity. However, if the offending provision cannot
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1 be so modified, it shall be null and void with respect to the particular person or circumstance,
2 and the offending provision with respect to all other persons and all other circumstances, as well
3 as all other provisions of this ordinance in all other respects, shall remain valid and enforceable.

4 Section 10. This ordinance shall take effect and be in force thirty (30) days from and
5 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
6 days after presentation, it shall take effect as provided by Seattle Municipal Code Section
7 1.04.020.

8
9 Passed by the City Council the ____ day of _____, 2008, and signed by me in
10 open session in authentication of its passage this ____ day of _____, 2008.

11
12
13 _____
14 President _____ of the City Council

15 Approved by me this ____ day of _____, 2008.

16
17 _____
18 Gregory J. Nickels, Mayor

19 Filed by me this ____ day of _____, 2008.

20
21 _____
22 City Clerk

23 (Seal)
24
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ORDINANCE 122682

AN ORDINANCE relating to drainage services of Seattle Public Utilities; establishing a stormwater facility credit to reduce drainage service charges for parcels with approved stormwater management facilities; updating definitions, revising the performance requirements for rainwater harvesting systems qualifying for drainage service charge reductions, revising the basis for bill adjustment requests and revising the right of entry for inspection in connection with the credit program; and amending Chapter 21.33 of the Seattle Municipal Code.

WHEREAS, Resolution 30886, adopted by the City Council and approved by the Mayor in March 2007, directed Seattle Public Utilities ("SPU") to implement a drainage rate credit program to be effective beginning in 2009, and to establish a process for customers to submit applications for the rate credits beginning in 2008; and

WHEREAS, SPU has determined that installation of approved stormwater management facilities on parcels throughout the city can help relieve some of the burden on the City's stormwater system by reducing or controlling flow or improving the water quality of stormwater entering into the City's stormwater system; and

WHEREAS, SPU recommends recognizing the contribution that approved stormwater management facilities have on the City's stormwater system by establishing stormwater facility credits, that will reduce the drainage service charge on parcels that have installed such facilities; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 21.33.010 of the Seattle Municipal Code is amended as follows:

SMC 21.33.010

Definitions.

For purposes of this chapter, the words or phrases below shall have the following meanings:

A. "Approved stormwater management facility" means a drainage control facility or improvement installed and properly maintained on any parcel in the City subject to a drainage

service charge that reduces or controls flow or improves water quality, or both, of stormwater flowing from all or part of the impervious surfaces on the parcel to the City's stormwater system, and which meets the technical design requirements for the drainage discharge point applicable to the parcel as more particularly described in the Stormwater, Grading and Drainage Code (Seattle Municipal Code 22.802) and SPU Director's Rules 03-00 and 04-00, as may be amended from time to time.

~~((K-))~~ B. "Billable area" means the total parcel area less any portion of the parcel which is exempt from drainage service charges pursuant to Subsection 21.33.030A of the Seattle Municipal Code.

~~((A-))~~ C. "Billing year" means the calendar year that bills are sent. The first billing year shall be from January 1, 1989 through December 31, 1989.

~~((B-))~~ D. "City" means The City of Seattle.

~~((G-))~~ E. "Condominiums" or "townhouses" means properties which contain more than two (2) residential dwelling units which are individually owned and are billed separately for property taxes.

F. "Drainage discharge point" means the end or receiving point of the City's stormwater system that a parcel's stormwater flows to, which may include a combined or sanitary sewer treatment facility, a large body of surface water, or a major creek basin, which dictates the type of stormwater performance goals and management facilities that may be required or accepted to manage the flow or quality, or both, of stormwater from that parcel.

~~((D-))~~ G. "Drainage service charge" means the fee for surface and stormwater management services imposed by the City upon all parcels of real property, except exempted properties,

1 located within the boundaries of the City. The drainage service charge shall be calculated in
2 accordance with Section 33.030 of this Chapter.

3 ~~((E.))~~ H. "Drainage rate" means the dollar charge assigned to each rate category which shall be
4 used in the calculation of the drainage service charge.

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6
7 I. "General service properties or parcels" means properties or parcels with no existing single
8 family or duplex dwelling unit, including vacant properties, condominium complexes,
9 townhouses, apartment buildings, and institutional, commercial or industrial properties.

10 ~~((H.))~~ J. "Highly infiltrative pervious surface" means vegetated surface of specific types such as
11 forests or non-forested land that is in the natural progression back to a forested state.

12
13 ~~((F.))~~ K. "Houseboats and piers" means property or parcels that rest on or over natural bodies of
14 water.

15
16 ~~((G.))~~ L. "Impervious surface" or "impervious ground cover" means those hard areas which
17 prevent or retard the entry of water into the soil in the manner that such water entered the soil
18 under natural conditions pre-existent to development, or which cause water to run off the
19 surface in greater quantities or at an increased rate of flow than that present under natural
20 conditions pre-existent to development, including, but not limited to, such surfaces as rooftops,
21 asphalt or concrete paving, driveways, parking lots, walkways, patio areas, storage areas,
22 hardpan, compacted surfaces, or other surfaces which similarly affect the natural infiltration or
23 runoff patterns existing prior to development.

24 ~~((Q.))~~ M. "Large residential property or parcel" means any single family residential property
25 whose ~~((total))~~ billable area is 10,000 square feet or greater.

1 ((J-))N. "Parcel" means the smallest separately segregated unit or plot of land having an
2 identified owner(s), boundaries, and area as defined by the King County Assessor and recorded
3 in the King County Assessor Real Property File or in the King County Assessor maps.
4

5 ((L-))O. "Percent of impervious surface" means the quotient of the total amount of estimated
6 impervious surface located on the parcel divided by the parcel's total billable area. For
7 purposes of rate category determination, the resulting amount shall be rounded to the nearest
8 whole percent.
9

10 ((M-))P. "Property owner of record" shall be the person or persons recorded by the King
11 County Assessor to be the owner(s) of property and to whom property tax statements are
12 directed.

13 ((N-))Q. "Rate category" means the classification of properties into groups based on their
14 common characteristics (such as percentage of impervious surface), for purposes of
15 establishing drainage service charges.
16

17 ((O-))R. "Residence" means a building or structure or portion thereof, designed to be used as a
18 place of abode for human beings and not used for any other purpose. The term "residence"
19 includes the term "residential," "residential unit," and "dwelling unit" as referring to the type of
20 or intended use of a building or structure.

21 ((P-))S. "Single-family residential property or parcel" means any property or parcel which
22 contains one (1) or two (2) residential dwelling units, excluding townhouses which are
23 considered general service properties or parcels.
24

25 ((R-))T. "Small residential property or parcel" means any single family residential property
26 whose ((total)) billable area is less than 10,000 square feet.
27
28

1
2 U. "Stormwater facility credit" means a percentage credit, up to the allowable maximum, in
3 accordance with Section 33.040 of this Chapter, which reduces the drainage service charge for
4 a particular parcel because one or more approved stormwater management facilities are
5 installed and maintained on the parcel that relieve some of the burden on the City's stormwater
6 system.

7
8 V. "Stormwater performance goals" mean the standards for 1) water quality as shown by total
9 suspended solids; 2) total volume; 3) two-year peak volume and duration; and 4) twenty-five-
10 year peak volume as appropriate for the drainage discharge point as more particularly
11 described in the Stormwater, Grading and Drainage Code (Seattle Municipal Code 22.802).

12
13 ~~((T.))~~ W. "Stormwater ((S))system" means the entire system of flood protection and stormwater
14 drainage and surface water runoff facilities owned or leased by the City or over which the City
15 has right of use for the movement and control of storm drainage and surface water runoff,
16 including both naturally occurring and man-made facilities.

17
18 ~~((S.))~~ X. "Submerged" means that portion of a parcel that extends beyond the shoreline, as
19 delineated by the City's Geographic Information System (GIS).

20
21 ~~((U.))~~ Y. "Utility" means Seattle Public Utilities.

22
23 Section 2. Subsection D of 21.33.030 of the Seattle Municipal Code is amended as
24 follows:

25
26 **SMC 21.33.030**

Drainage service charges and drainage rates – Schedule – Exemptions

* * * * *

4. SPU shall provide a 10% reduction in the drainage service charge ((rates)) for parcels ((properties)) containing new or remodeled commercial buildings that, after July 27, 2003, install and utilize rainwater harvesting systems that meet the performance requirement that the systems are sized to use ((or infiltrate)) the amount of rain that falls on the roofs of such buildings during a one year, 24-hour storm event. A system that involves indoor uses of rainwater must be permitted by Seattle-King County Department of Health to qualify for the rate reduction. A system that relies solely on the capture and indoor use of rainwater shall qualify for the drainage service charge ((rate)) reduction only if the system is sized to meet the performance requirement stated above. Qualifying for the drainage service charge ((rate)) reduction does not relieve the property owner from the obligation to comply with applicable stormwater and drainage code requirements for the buildings and site.

* * * * *

Section 3. A new Section is added to Chapter 21.33 of the Seattle Municipal Code to read as follows:

SMC 21.33.040

Stormwater Facility Credit Program.

A. The Utility may apply a stormwater facility credit to be effective beginning January 1 of the 2009 billing year, in accordance with this section, to reduce the annual drainage service charge for a particular parcel within the City if one or more approved stormwater management facilities are installed on the parcel.



1
2 B. Property owners must complete a stormwater facility credit application and submit it to the
3 Utility by November 1st of any calendar year for credit against the subsequent year's drainage
4 service charge. The stormwater facility credit will not be applied until the Utility has approved
5 the application in writing.

6
7 C. Prior to approving a stormwater facility credit, and annually thereafter, the Utility shall have
8 the right to inspect the approved stormwater management facility(ies) and parcel to confirm
9 application information and continued eligibility for the credit. Inspection may include
10 confirmation of parcel characteristics, such as impervious surface area, and determination that
11 the facility meets the technical design requirements and is maintained in a clean and properly
12 functioning manner.

13
14 D. The Utility will calculate a stormwater facility credit for each eligible parcel that has applied
15 for such credit based on the following:

16
17 1. the type and size of the approved stormwater management facility(ies) installed on the parcel.
18 The Utility will assign a uniform rate credit to each type of approved stormwater management
19 facility based on a weighting of the stormwater performance goals the facility satisfies and that
20 are applicable to the appropriate drainage discharge point for the parcel.

21
22 2. the percentage of impervious surface on the parcel that is managed by the approved
23 stormwater management facility(ies), and



3. the percentage of the parcel's drainage service charge which is based on runoff from impervious surfaces, as determined using flow calculation data for the applicable drainage service charge rate category.

E. To assign the uniform rate credit by facility type under Section 21.33.040.D.1 and calculate the stormwater facility credit only, the Utility will use the stormwater performance goals under the Stormwater, Grading and Drainage Code adopted by Ordinance No. 119965, effective July 5, 2000, for any approved stormwater management facility installed prior to July 5, 2000. The Utility will use the stormwater performance goals under the Stormwater, Grading and Drainage Code in effect at the time the approved stormwater management facility is installed for any such facility installed after July 5, 2000.

F. The allowable maximum credit to the drainage service charge per parcel, including the stormwater facility credit and the reduction for rainwater harvesting systems under Section 21.33.030.D.4, may not exceed 50 percent of the drainage service charge for the parcel. The stormwater facility credit and reduction for rainwater harvesting systems may not reduce the drainage service charge per parcel below the minimum drainage service charge under Section 21.33.030.E.

G. The Utility may terminate the stormwater facility credit for any parcel, upon written notice, for the following reasons:

1. The property owner does not maintain the approved stormwater management facility in a clean and properly functioning manner and does not take corrective action within the time specified by a Utility inspector;

1 2. the parcel changes ownership;

2
3 3. the parcel is re-developed or the parcel boundaries change.

4
5
6 Section 4. Subsection B of 21.33.050 of the Seattle Municipal Code is amended as
7 follows:

8
9 **SMC 21.33.050**

10 **Drainage service charges -- Adjustments.**

11
12 * * * * *

13 B. A request for a bill adjustment may be based on one (1) or more of the following:

- 14
15 1. The billable area of the parcel is incorrect;
- 16
17 2. The percent of impervious surface on a large residential or general service parcel places the
18 parcel in a different rate category than the category assigned by the Utility;
- 19
20 3. The parcel is a large residential or general service parcel which contains highly infiltrative
21 pervious surface and meets all Utility requirements for low-impact rate category designation
22 but has not been properly assigned to such a category by the Utility;
- 23
24 4. The parcel meets the definition of exempted property;
- 25
26 5. The parcel is wholly or partially outside City of Seattle limits; or
- 27
28



6. The parcel's stormwater facility credit was calculated with inaccurate data related to the parcel or to the approved stormwater management facility.

((6.))7. The drainage service charge is otherwise erroneous in applying the terms of this chapter.

Section 5. Subsection B of 21.33.070 of the Seattle Municipal Code is amended as follows:

SMC 21.33.070

Billing and collection procedures.

* * * * *

B. The drainage service charge shall be displayed and billed on the annual King County property tax statement for the parcel and shall be mailed to the name and address shown on the real property tax roll at the time annual property bills are prepared. Properties not subject to property taxes and not otherwise exempted will receive a separate drainage service charge billing statement. The drainage service charge billed on the annual King County property tax statement, or separate drainage service charge billing statement, shall be net of any stormwater facility credit, that has been approved by December 1st of the calendar year prior to the applicable billing year. Stormwater facility credit applications that are received timely in accordance with Section 21.33.040.B, but not approved until after December 1, will receive credit within the applicable billing year.

* * * * *

Section 6. Section 21.33.090 of the Seattle Municipal Code is amended as follows:

SMC 21.33.090

Revenue disposition and expenditure conditions.

All moneys obtained pursuant to this chapter shall be credited and deposited in the Drainage and Wastewater Fund. Moneys deposited in the Drainage and Wastewater Fund from drainage service charges shall be expended for administering, operating, maintaining, or improving the ~~((drainage and wastewater))~~ stormwater system, including all or any part of the cost of planning, designing, acquiring, constructing, repairing, replacing, improving, regulating, educating the public, or operating present or future ~~((drainage and wastewater))~~ stormwater management facilities owned by the Utility, or to pay or secure the payment of all or any portion of any debt issued for such purpose and the related reserve and coverage requirements. Moneys shall not be transferred to any other funds of the City except to pay for expenses attributable to the stormwater system.

Section 7. Subsection A of 21.33.120 of the Seattle Municipal Code is amended as follows:

SMC 21.33.120

Right of entry for inspection.

A. The Director of Seattle Public Utilities or his or her duly authorized representatives, bearing proper credentials and identification, may with the consent of the owner or pursuant to lawfully issued warrant enter at all reasonable times upon any and all premises which generate surface



1 or stormwater run-off for the purpose of ascertaining the area and type of such surfaces as
2 required to determine the appropriate assignment of such property to a drainage rate category,
3 calculation of a stormwater facility credit or verification of the installation and proper
4 maintenance of an approved stormwater management facility.

5
6 Section 8. The Utility shall evaluate the effect of the stormwater facility credit program
7 on revenue requirements and on cost allocations across customer classes during the first five
8 years of its operation and may propose changes to the program beginning with the 2014 billing
9 cycle, including revision of the allowable maximum credit or termination of the program.

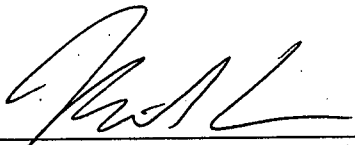
10 Section 9. The provisions of this ordinance are declared to be separate and severable. If
11 a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having
12 run, finds any provision of this ordinance to be invalid or unenforceable as to any person or
13 circumstance, such offending provision or provisions, if feasible, shall be deemed to be modified
14 to be within the limits of enforceability or validity. However, if the offending provision cannot
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1 be so modified, it shall be null and void with respect to the particular person or circumstance,
2 and the offending provision with respect to all other persons and all other circumstances, as well
3 as all other provisions of this ordinance in all other respects, shall remain valid and enforceable.

4 Section 10. This ordinance shall take effect and be in force thirty (30) days from and
5 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
6 days after presentation, it shall take effect as provided by Seattle Municipal Code Section
7 1.04.020.

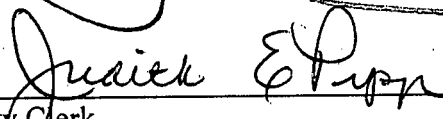
8 Passed by the City Council the 28th day of April, 2008, and signed by me in
9 open session in authentication of its passage this 28th day of April, 2008.
10
11

12 
13 President _____ of the City Council

14 Approved by me this 5th day of May, 2008.
15

16 
17 Gregory J. Nickels, Mayor
18

19 Filed by me this 8th day of May, 2008.
20

21 
22 City Clerk
23

24 (Seal)
25
26
27
28

STATE OF WASHINGTON – KING COUNTY

--SS.

224463
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

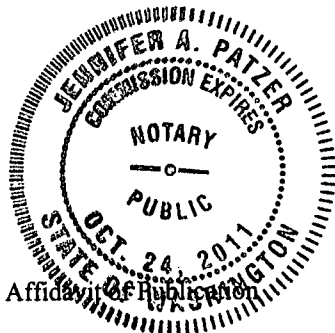
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122682 & 122683

was published on

05/19/08

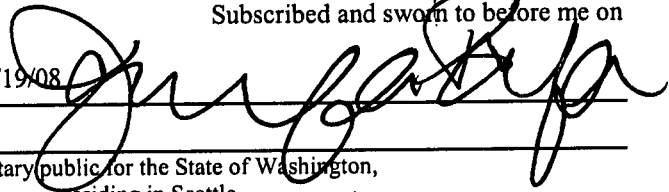
The amount of the fee charged for the foregoing publication is the sum of \$ 49.18, which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on

05/19/08


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on April 28, 2008, and published here by title only, will be mailed, at no cost, on request for two months after this publication. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 122683

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 122682

AN ORDINANCE relating to drainage services of Seattle Public Utilities; establishing a stormwater facility credit to reduce drainage service charges for parcels with approved stormwater management facilities; updating definitions, revising the performance requirements for rainwater harvesting systems qualifying for drainage service charge reductions, revising the basis for bill adjustment requests and revising the right of entry for inspection in connection with the credit program; and amending Chapter 21.93 of the Seattle Municipal Code.

Publication ordered by JUDITH PIPPIN,
City Clerk

Date of publication in the Seattle Daily
Journal of Commerce, May 19, 2008.

5/19/2008